

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

PHILLIP HARDY,

Plaintiff,

**NOTICE OF MOTION**

-against-

12-CV-0017 (RJS)(GWG)

CITY OF NEW YORK, POLICE OFFICER  
JOHNNY LANDRY, POLICE OFFICER BRIAN  
TAYLOR, AND POLICE SERGEANT JAMES  
PEPPERMAN, Individually And In Their Official  
Capacities,

Defendants.

-----X

**PLEASE TAKE NOTICE** that, upon the annexed Declaration of Assistant Corporation Counsel Liza Sohn, dated October 26, 2012, and the exhibits annexed thereto; the accompanying Memorandum of Law; and upon all prior pleadings and proceedings had herein, defendants, City of New York, Police Officer Johnny Landry, Police Officer Brian Taylor, and Sergeant James Pepperman, will move this Court, before the Honorable Richard J. Sullivan, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, with prejudice, and for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's Order, dated August 21, 2012, opposition papers, if any, are due on or before November 30, 2012.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's Order, reply papers, if any, are due on or before December 10, 2012, and the motion shall be fully briefed at that time.

Dated: New York, New York  
October 26, 2012

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants City of New York*  
100 Church Street, Room 3-183  
New York, New York 10007  
(212) 788-0715

By:   
LIZA SOHN  
Assistant Corporation Counsel  
Special Federal Litigation Division


To: BY ECF AND HAND DELIVERY  
The Law Office of Gregory Mouton  
Attorney for Plaintiff  
244 5<sup>th</sup> Avenue, Suite G247  
New York, NY 10001

### DECLARATION OF SERVICE

I, Liza Sohn, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on October 26, 2012, I served a copy of defendants' "Notice of Motion"; the "Declaration of Liza Sohn in Support of Defendants' Motion to Dismiss the Complaint Pursuant to Fed. R. Civ. P. (12)(c)" and the exhibits thereto; and the "Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint Pursuant to Fed. R. Civ. P. (12)(c)," upon Greg Mouton, attorney for plaintiff in the matter of Phillip Hardy v. City of New York, et al., 12 Civ. 0017 (RSJ)(GWG), by messenger, directed to plaintiff at the address set forth below, being the address designated by plaintiff for that purpose:

The Law Office of Gregory Mouton  
Attorney for Plaintiff  
244 5<sup>th</sup> Avenue, Suite G247  
New York, NY 10001

Dated: New York, New York  
October 26, 2012

  
\_\_\_\_\_  
LIZA SOHN